



# House of Representatives

General Assembly

**File No. 278**

*January Session, 2013*

House Bill No. 5513

*House of Representatives, April 2, 2013*

The Committee on Judiciary reported through REP. FOX, G. of the 146th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## ***AN ACT CONCERNING THE UNAUTHORIZED PRACTICE OF LAW BY NOTARIES PUBLIC.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective October 1, 2013*) (a) A notary public shall  
2       not offer or provide legal advice to any person in immigration matters  
3       or represent any person in immigration proceedings unless such  
4       notary public (1) has been admitted as an attorney under the  
5       provisions of section 51-80 of the general statutes, or (2) is authorized  
6       pursuant to 8 CFR 292.2 to practice immigration law or represent  
7       persons in immigration proceedings.

8       (b) A notary public shall not assume, use or advertise the title of  
9       notario or notario publico, unless such notary public (1) has been  
10      admitted as an attorney under the provisions of section 51-80 of the  
11      general statutes, or (2) indicates in any advertisement or otherwise  
12      provides written notice that such notary public is not licensed as an  
13      attorney in this state.

14 (c) Any notary public who violates any provision of this section  
15 shall have committed a violation of subsection (a) of section 51-88 of  
16 the general statutes and be subject to the penalties set forth in  
17 subsection (b) of section 51-88 of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2013</i>	New section
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**JUD**      *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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### **OFA Fiscal Note**

#### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 14 \$</b>	<b>FY 15 \$</b>
Judicial Dept.	GF - Potential Revenue Gain	Less than 2,500	Less than 2,500

**Municipal Impact:** None

#### **Explanation**

The bill results in a potential revenue gain of less than \$2,500 by prohibiting notary publics from offering or providing legal advice in immigration matters. It is anticipated that relatively few fines would be imposed on an annual basis.

Based on the number of offenders convicted for similar violations, it is not expected that the bill will have a fiscal impact on the Department of Correction.

#### **The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

Sources: Judicial Department Offenses and Revenue Database

**OLR Bill Analysis****HB 5513*****AN ACT CONCERNING THE UNAUTHORIZED PRACTICE OF LAW BY NOTARIES PUBLIC.*****SUMMARY:**

This bill prohibits a notary public from offering or providing legal advice in immigration matters, or representing someone in immigration proceedings, unless the notary public is (1) an attorney admitted to the Connecticut bar or (2) authorized by federal regulations to practice immigration law or represent people in immigration proceedings (see BACKGROUND). The law already generally prohibits the practice of law by people not admitted to the state bar.

The bill also prohibits a notary public from assuming, using, or advertising the title of notario or notario publico (see BACKGROUND) unless he or she (1) is an attorney admitted to the Connecticut bar or (2) indicates in an advertisement or otherwise provides written notice that he or she is not a state-licensed attorney.

Under the bill, any notary public who violates these provisions is deemed to have violated the prohibition on the unauthorized practice of law and is subject to the penalties that apply to unauthorized practice.

By law, the unauthorized practice of law is a Class C misdemeanor, subject to a fine of up to \$500, up to three months' imprisonment, or both. These penalties do not apply to someone who (1) is an admitted member in good standing of the bar of another state or other specified jurisdictions and (2) within the scope of his or her employment, gives legal advice to his or her employer or its corporate affiliate.

EFFECTIVE DATE: October 1, 2013

## **BACKGROUND**

### ***Related Federal Regulations***

Federal regulations allow nonprofit religious, charitable, social service, or similar organizations established in the United States and recognized as such by the Board of Immigration Appeals to designate one or more representatives to represent people in immigration matters. The organization must establish to the board's satisfaction that it (1) makes only nominal charges and does not assess excessive membership dues for people it assists and (2) has adequate knowledge, information, and experience. Regulations specify how organizations may apply for such recognition, how the board may withdraw recognition, how recognized organizations may apply for accreditation of persons of good moral character as their representatives, and related matters (8 C.F.R. § 292.2).

### ***Notario Publico***

In many Spanish-speaking countries, a "notario publico" is authorized to perform certain services that in the United States are reserved to lawyers (Office of the Connecticut Secretary of the State, Notary Public Manual, pg. 14).

### ***Related Bills***

sSB 829, reported favorably by the Judiciary Committee, generally increases the penalty for the unauthorized practice of law and makes other changes to the unauthorized practice statute.

HB 6443, reported favorably by the General Law Committee, establishes various contract requirements for certain non-attorney immigration services providers.

## **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea    40    Nay    0    (03/13/2013)